IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9136 OF 2004

Mr.Vijay Bhavanrao Shinde. ...Petitioner.

Vs.

State of Maharashtra & Ors. ...Respondents.

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Mr.P.V.Nichani i/b. P.V.Nichani & Co. for the Petitioner.

Mr.Amin Solkar, AGP.for Respondent Nos.1 to 3.

Mr.Kirit H.Hakani for Respondent No.4.

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CORAM : DR.D.Y.CHANDRACHUD, J.

April 7, 2005.

P.C. :

A recovery certificate has been issued under Section 101 of the Maharashtra Co-operative Societies' Act, 1960. Thereafter, the matter was carried in revision before the Divisional Joint Registrar. The Bank has stated in its affidavit in reply that on 25th October 2004, it was agreed before the revisional authority that out of an outstanding amount of Rs.24,01,561/-, an amount of

Rs.18 lakhs was realised upon the sale of the vehicle and that the balance of Rs.9.55 lakhs would be paid within a period of four months. The Minutes of the proceedings before the Divisional Joint Registrar have been duly signed on behalf of the Petitioner. This fact should have been disclosed, but has not been disclosed. The Petitioner having agreed to pay the balance of the outstanding dues, the intervention of this Court is clearly not called for. The matter was previously adjourned on 8th November 2004, 10th November 2004 and 23rd November 2004. The only submission which is now made is that the Petitioner is willing to propose a restructuring of the total amounts which are due to the Bank in all the four petitions which are before the Court including this petition. The total amount which is due and outstanding is Rs.1.74 crores. The intervention of this Court under Article 227 is, therefore, clearly not warranted. The Petition is rejected.

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